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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,	}	2:09-CR-078-JCM-(RJJ)
12 Plaintiff,	}	
13 vs.	}	GOVERNMENT'S FOURTH
14 SAMUEL DAVIS, and,	}	SUPPLEMENTAL NOTICE OF
15 SHAWN RICE,	}	INTENT TO USE EVIDENCE OF
	}	OTHER CRIMES, WRONGS OR
16 <u>Defendants.</u>	}	ACTS

17 COMES NOW the United States of America, by and through DANIEL G.
18 BOGDEN, United States Attorney, and J. Gregory Damm, Assistant United States
19 Attorney and hereby gives notice that the government intends to use the following
20 evidence in the trial of this matter.

21 NOTICE

22 Pursuant to Fed.R.Evid. 404(b), the prosecution is providing reasonable notice
23 in advance of trial of the general nature of any such evidence it intends to introduce at
24 trial of other crimes, wrongs or acts allegedly committed by the defendants. Without
25 conceding that the following evidence is governed by Fed.R.Evid. 404(b), and
26 reserving the right to supplement this notice with additional notices, the government
hereby notifies the defendants that it intends to introduce the following evidence:

1 On or about July 2, 2003, Sam Davis submitted a Real Estate Purchase and Sale
2 Agreement and Receipt for Earnest Money in relation to his purchase of 26.39 acres on
3 land located on Lappin Lane, Council, Idaho. Sam Davis offered to buy the property
4 for \$130,000. He submitted \$2,000 in earnest money at the time he submitted the offer.

5 On or about August 25, 2003, Sam Davis submitted the name of K-L R as straw
6 purchaser for this property with instructions that "you may work directly with her as
7 if I was doing this myself." The settlement date for this transaction was October 5,
8 2003, with disbursement made on October 10, 2003. As part of the \$117,000 loan , K-
9 L R signed an occupancy agreement indicating that he/she would occupy the premises.
10 He/she did not in fact occupy the premises, but rather resided in Phoenix, Arizona.
11 Sam Davis resided at this address and continues to reside at this address.

12 On or about May 24, 2005, K-L R signed a Specific Power of Attorney
13 appointing Sam Davis as "my attorney in fact for the specific purpose of signing any
14 real estate related documents pertaining to the 26 acre property located on Lappin Lane,
15 Council, Idaho." On or about June 12, 2006, K-L R by Sam Davis, Attorney-in -fact,
16 signed a Deed of Trust for this property securing a Promissory Note in the amount of
17 \$230,000 in favor of Select Business Services, Inc. On or about October 6, 2006, K-L
18 R signed a Warranty Deed for this property conveying it to the Hxxxxxx Partnership.

19 On or about May 24, 2007, the Lappin Lane property was conveyed by a Deed
20 of Trust to D G H, N C H, J M H, D G H, and C M H. On or about May 31, 2007, the
21 above-named individuals obtained a loan in the amount of \$344,000 from Countrywide
22 Home Loans as straw purchasers for Sam Davis. The borrowers agreed that they would
23 occupy the property as a second home when in truth and in fact they had no intention
24 of occupying the property, but were only acting as straw purchasers for Sam Davis who
25 continued to occupy the property as his personal residence.

26
Additionally, defendant Sam Davis owns and operates a 2002 or 2004 Dodge

1 Ram pick-up truck with Idaho license plate number xxx7E. This vehicle is registered
2 in the name of D C H who obtained a loan in his name to purchase the vehicle as a
3 straw purchaser for Sam Davis. D C H is the same individual, who along with four
4 other individuals mentioned above, who acted as straw purchasers for the Lappin Lane
5 home occupied by Sam Davis.

6 CONCLUSION

7 WHEREFORE, the United States respectfully gives notice of its intent to use the
8 above-recited evidence.

9 DATED this 10th day of June, 2010.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

13 /s/ J. Gregory Damm

14 J. GREGORY DAMM
15 Assistant United States Attorney
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Certificate of Service

I, J. Gregory Damm, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S FOURTH SUPPLEMENTAL NOTICE OF INTENT TO USE EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said GOVERNMENT'S FOURTH SUPPLEMENTAL NOTICE OF INTENT TO USE EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS and mailing a copy postage prepaid to Shawn Talbot Rice, P.O. Box 700, #81, Ash Fork, Arizona 86320.

Dated: June 10, 2010

/s/ Elaine Woolery
Legal Assistant to J. Gregory Damm
Assistant United States Attorney
District of Nevada